

Serial No. 10/735,765  
November 30, 2004  
Reply to the Office Action dated September 1, 2004  
Page 5 of 7

### REMARKS/ARGUMENTS

Claims 1-16 are pending in this application. By this Amendment, Applicant amends claim 1.

Claims 1, 2, 4 and 7-14 were rejected under 35 U.S.C. § 102(a) as being anticipated by Yoshimura (U.S. 5,315,283). Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshimura in view of Masuda et al. (U.S. 6,380,841). Claims 3, 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshimura in view of Doi et al. (JP 2001-015308). Applicant respectfully traverses these rejections.

Claim 1 has been amended to recite:

**"A variable resistor comprising:  
an insulating substrate having a substantially arch-shaped  
resistor provided on a surface thereof; and  
a sliding contact rotatably attached to the insulating  
substrate; wherein  
the sliding contact includes a body including a contact arm  
sliding over the resistor and a disk section for supporting the contact arm  
and a driver plate overlapping the body for being operated by a tool;  
a step disposed in a portion of the driver plate opposing a  
contact of the contact arm such that a gap between the portion of the  
driver plate having the step disposed therein and the contact arm is  
greater than a gap between a portion of the driver plate not having the  
step disposed therein and the contact arm; and  
the portion of the driver plate having the step disposed  
therein has a thickness that is less than a thickness of the remainder  
of the driver plate." (emphasis added)**

The Examiner alleged that Yoshimura teaches all of the features recited in Applicant's claim 1, including a driver plate 10 and "a step" being cuts 11' forming a cross 11. The Examiner further alleged that the "step 11", shown in Fig. 9 of Yoshimura, creates a gap between the upper surface of the driver plate 10 and the contact arm 12a that is greater than the gap between contact arm 13 and the lower surface of the plate 10." Applicant respectfully disagrees.

Serial No. 10/735,765  
November 30, 2004  
Reply to the Office Action dated September 1, 2004  
Page 6 of 7

Claim 1 has been amended to recite the feature of "the portion of the driver plate having the step disposed therein has a thickness that is less than a thickness of the remainder of the driver plate."

In contrast to Applicant's claim 1, as clearly seen in Figs. 2, 4 and 6 of Yoshimura, the driver plate 10 of Yoshimura has a constant thickness at all portions thereof. The driver plate 10 of Yoshimura does NOT include any portion having a thickness that is less than any other portion of the driver plate 10. Thus, Yoshimura certainly fails to teach or suggest the feature of "the portion of the driver plate having the step disposed therein has a thickness that is less than a thickness of the remainder of the driver plate" as recited in Applicant's claim 1.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(a) as being anticipated by Yoshimura.

The Examiner has relied upon Masuda et al. and Doi et al. to allegedly cure various deficiencies of Yoshimura. However, Masuda et al. and Doi et al. clearly fail to teach or suggest the feature of "the portion of the driver plate having the step disposed therein has a thickness that is less than a thickness of the remainder of the driver plate" as recited in Applicant's claim 1.

Accordingly, Applicant respectfully submits that Yoshimura, Masuda et al. and Doi et al., applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in Applicant's claim 1.

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claim 1 is allowable. Claims 2-16 depend upon claim 1, and are therefore allowable for at least the reasons that claim 1 is allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

Serial No. 10/735,765  
November 30, 2004  
Reply to the Office Action dated September 1, 2004  
Page 7 of 7

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: November 30, 2004

  
\_\_\_\_\_  
Attorneys for Applicant

Joseph R. Keating  
Registration No. 37,368

Christopher A. Bennett  
Registration No. 46,710

**KEATING & BENNETT LLP**  
10400 Eaton Place, Suite 312  
Fairfax, VA 22030  
Telephone: (703) 385-5200  
Facsimile: (703) 385-5080